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S E C R E T GENEVA 2704

FROM USDEL LOS

E.O. 11652: XGDS-3

TAGS: PLOS

SUBJECT: LOS: STRAITS

1. DURING CARACAS SESSION OF LOS CONFERENCE, OMAN
TABLED DRAFT ARTICLES ON NAVIGATION THROUGH THE
TERRITORIAL SEA, INCLUDING STRAITS USED FOR INTERNATIONAL
NAVIGATION (A/CONF. 62/C.2/L.16). ARTICLES CALL FOR
ONLY INNOCENT PASSAGE IN BOTH TERRITORIAL SEA AND
STRAITS, AND CONTAIN LARGE NUMBER OF ADDITIONAL UN-
ACCEPTABLE FEATURES, FOREMOST OF WHICH ARE PROVISIONS
WHICH WOULD RESULT IN DIFFERENT PASSAGE OF COMMERCIAL
VESSELS WOULD BE PRESUMED INNOCENT, WHEREAS A COASTAL
STATE COULD REQUIRE NOTIFICATION OR AUTHORIZATION
FOR PASSAGE OF WARSHIPS AS WELL AS NUCLEAR POWERED SHIPS
OR SHIPS CARRYING NUCLEAR WEAPONS. OMAN HAS ALSO CO-
SPONSORED EGYPTIAN PROPOSAL FOR A CONTIGUOUS ZONE OF
UNSPECIFIED BREADTH BEYOND THE TERRITORIAL SEA
(A/CONF. 62/C.2/L.78).

2. EMBASSY SHOULD MAKE APPROACH TO APPROPRIATE HIGH-
LEVEL OFFICIAL AND EXPRESS CONCERN OVER OMANI ADVOCACY
OF APPROACH IN BOTH L. 16 AND L. 78. FOLLOWING
POINTS MAY BE USED AS APPROPRIATE:

A. IMPORTANCE TO OMAN OF TREATY REGIME PROVIDING
ACCESS TO RED SEA THROUGH STRAITS BAB AL MANDEB IS
MANIFEST. VALUE OF A TREATY WILL, HOWEVER, DEPEND
ON ITS GENERAL ACCEPTABILITY AND NEAR UNIVERSAL
ADHERENCE BY STATES.

B. OMANI APPROACH SUBSTANTIALLY WORSENS
EXISTING REGIME OF INNOCENT PASSAGE BY SINGLING
OUT MILITARY VESSELS FOR REGIME IN WHICH FOR FIRST
TIME COASTAL STATE COULD REQUIRE NOTIFICATION OR
AUTHORIZATION.

C. EVEN EXISTING REGIME OF INNOCENT PASSAGE

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IS UNACCEPTABLE TO UNITED STATES AND OTHER MARITIME STATES IF APPLIED TO STRAITS IN CONNECTING HIGH SEAS TO HIGH SEAS. INNOCENT PASSAGE UNACCEPTABLE BECAUSE OF NO RIGHT OF OVERFLIGHT OR SUBMERGED TRANSIT, AND POSSIBILITY OF UNWARRANTED SUBJECTIVE INTERPRETATIONS OF INNOCENCE.

D. IF OMANI APPROACH TO STRAITS SHOULD GAIN WIDESPREAD SUPPORT IT WOULD VIRTUALLY GUARANTEE THAT THERE WILL BE NO LOS TREATY, AS US AND OTHER MARITIME STATES COULD NOT UNDER ANY CIRCUMSTANCES SIGN A TREATY CONTAINING SUCH ARTICLES. WE BELIEVE FAILURE OF LOS CONFERENCE WOULD BE CONSIDERABLE LOSS TO OMAN, AS WELL AS TO US.

E. UNITED STATES IS WILLING TO WORK OUT PASSAGE REGIME FOR STRAITS WHICH, WHILE PROVIDING UNIMPEDED TRANSIT FOR ALL VESSELS AND AIRCRAFT AS REQUIRED BY MARITIME POWERS, PROVIDES SECURITY AMND SAFETY GUARANTEES FOR STRAITS STATES. IT IS ABSOLUTELY NECESSARY, HOWEVER, THAT THESE GUARANTEES BE IN FORM OF TREATY OBLIGATION PLACED ON TRANSITING VESSELS AND FLAG STATES RATHER THAN UNILATERAL REGULATION BY STATES RATHER THAN UNILATERAL REGULATION BY STATES LITTORAL TO STRAITS.

F. OMANI APPROACH TO CONTIGUOUS ZONE ALSO CONTAINS PITFALLS. WITH TREATY ESTABLISHMENT OF A 12-MILE TERRITORIAL SEA, NEED FOR A CONTIGUOUS ZONE WOULD SEEM TO DISAPPEAR. ADVOCACY OF SUCH A ZONE FURNISHES VEHICLE FOR USE OF THOSE WHO WOULD SEEK TO IMPEDED NAVIGATION. USG UNAWARE OF ANY INTEREST OF OMAN WHICH WOULD REQUIRE CONTIGUOUS ZONE, BUT IF SUCH PROBLEM EXISTS, WOULD WELCOME OPPORTUNITY TO DISCUSS OTHER MEANS OF RESOLUTION.

3. DISCUSSIONS BETWEEN MR. MOORE AND OMANI DEL IN GENEVA CONFIRM THAT POLICY ON STRAITS ISSUE WILL BE MADE IN MUSCAT. INDEED, OMANI REP. SEEMED TO SUGGEST TO AMBASSADOR MOORE THAT US SHOULD CONVEY IMPORTANCE OF ISSUE TO OMANI GOVERNMENT IN MUSCAT.DALE

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TO RUEHC/SECSTATE WASHDC 2139
RUFNPS/USMISSION OECD PARIS 7821
BT

UNCLAS GENEVA 2655

FROM USDEL LOS

E.O. 11652: N/A

TAGS: PLOS ERG OECD TECH

SUBJECT: LOS: IEA, R&D GUIDING PRINCIPLES

1. BURTON MET WITH STROHL, LEGAL ADVISER TO NEA, APRIL 12 TO DISCUSS ANNEX AND APPENDIX CONCERNING INTELLECTUAL PROPERTY. STROHL INDICATED THAT COMMENTS ON ANNEX WERE DUE FROM SUB-GROUP ON R&D MEMBERS, BUT THAT UNFORTUNATELY NONE HAD BEEN RECEIVED. THIS LEFT HIM OBLIGATED TO PRODUCE A REDRAFT OF ANNEX/APPENDIX WITHOUT GUIDANCE FROM STATES.

2. HE EXPRESSED HIS PERSONAL VIEW THAT PRESENT DRAFT WITH A LITTLE FINE-TUNING ON ROYALTY-FREE CONCEPT WAS GOOD FOR SIMPLE COOPERATIVE ACTIVITIES AND QUESTIONED WHETHER SIMILAR DETAILED DRAFT WOULD BE USEFUL FOR CONSORTIA GUIDANCE. BURTON INDICATED SOME DOUBT WHETHER ANY CONSORTIA COULD ADOPT PRE-FABRICATED PATENT PROVISIONS AND SUGGESTED STICK-ING TO GENERAL PRINCIPLES MIGHT BE SOUND. FOR SIMPLE EXCHANGE OF SCIENTISTS, HOWEVER, BURTON SAID IT MIGHT PROVE VERY USEFUL TO HAVE DRAFT PROVISIONS THAT COULD BE INCORPORATED WITH LITTLE OR NO MODIFICATION. STROHL AGREED AND SUGGESTED A NON-LAWYER HAD GREAT DIFFICULTY WITH THE TECHNICAL APPENDIX. HE SUGGESTED AN EXPLANATORY STATEMENT SETTING FORTH THE BASIC CONCEPTS AND OBJECTIVES TO HELP EXPEDITE APPROVAL OF GUIDING PRINCIPLES.

3. THERE FOLLOWED A BROAD GENERAL DISCUSSION OF PATENT PRINCIPLES WITH EMPHASIS ON ROYALTY SHARING ARRANGEMENTS IN CONSORTIA. THREE METHODS OF ROYALTY SHARING WERE IDENTIFIED. FIRST, ROYALTIES COULD BE COLLECTED BY EACH PARTICIPANT UNDER UNIFORM TERMS AND CONDITIONS, PLACED IN A COMMON POT, AND DISTRIBUTED AMONG PARTICIPANTS SO AS TO REFLECT EQUITABLE SHARING OF THE CONTRIBUTIONS, RIGHTS, BENEFITS, ETC. SECOND, EACH PARTICIPANT COULD KEEP WHAT HE COLLECTS

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EITHER UNDER UNIFORM TERMS AND CONDITIONS OR UNDER ITS OWN NATIONAL POLICIES. THIRD, ONE PARTICIPANT COULD SERVE AS AN AGENT FOR THE GROUP AND OBTAIN PATENTS, GRANT LICENSES AND COLLECT ROYALTIES UNDER AGREED CONTRACT. WE AGREED THAT EACH HAS ADVANTAGES AND PROBLEMS AND FURTHER THOUGHT IS NEEDED. 4. DURING DISCUSSION OF ROYALTY SHARING BURTON DISCOURAGED ANY IDEA THAT ENTAILED PATENT HELD BY PARTICIPANT WITH DISCRETION TO DENY ACCESS FOR US FIRMS TO ANY MARKET OR TO IMPOSE UNREASONABLE TERMS OR CONDITIONS. STROHL SEEMED CONCERNED THAT AGREEMENT WAS NECESSARY ON ROYALTIES TO BE CHARGED ALL LICENSES BY EACH PARTICIPANT IN ORDER TO MAINTAIN EQUITABLE BASIS FOR ROYALTY SHARING. 5. STROHL WILL PREPARE PAPER EXPLAINING APPENDIX SLT(75) (27) AND SEEKING TO ELABORATE SECOND PART OF ANNEX. HE WILL PASS COPY WITHIN TWO WEEKS TO US MISSION OECD FOR TRANSMITTAL TO DEPARTMENT AND ERDA AS WELL AS US DEL LOS FOR BURTON BEFORE IT IS CIRCULATED. US COMMENTS ON THIS PAPER WILL BE TAKEN INTO ACCOUNT IN LATER CIRCULATED DRAFT. DALE

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C O N F I D E N T I A L

LIMITED OFFICIAL USE SECTION 1 OF 4 GENEVA 2615
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DIPLOMATIC POSTS BY CABLE OR POUCH AS APPROPRIATE, EXCEPT GENEVA.
EO 11652: N/A

TAGS: PLOS

SUBJ: - ECONOMIC ZONE: SUPPLEMENT TO MIDSESSION REPORT
1. THE FOLLOWING ARE THE LATEST (USUALLY FIFTH REVISION)
TEXTS ON THE ECONOMIC ZONE PREPARED BY THE CHAIRMAN OF
THE INFORMAL JURIDICAL EXPERTS (EVENSEN) GROUP:

BEGIN TEXT: THE ECONOMIC ZONE

GENERAL PROVISIONS

ARTICLE 1 (PREVIOUS ARTICLE 11) (CORR. 1)

1. THE COASTAL STATE HAS IN AN AREA BEYOND AND ADJACENT TO
ITS TERRITORIAL SEA, KNOWN AS THE EXCLUSIVE ECONOMIC ZONE:

(A) SOVEREIGN RIGHTS THROUGHOUT THE AREA FOR THE
PURPOSE OF EXPLORING AND EXPLOITING, CONSERVING AND MANAGING
THE NATURAL RESOURCES, WHETHER RENEWABLE OR NON-RENEWABLE,
OF THE SEABED AND SUBSOIL AND THE SUPERJACENT WATERS;

(B) RIGHTS WITH REGARD TO OTHER ACTIVITIES FOR THE
ECONOMIC EXPLORATION AND EXPLOITATION OF THE ZONE, SUCH AS
THE PRODUCTION OF ENERGY FROM THE WATER, CURRENTS AND WINDS.

(C) JURISDICTION AS PROVIDED FOR IN THIS CONVENTION
WITH REGARD TO:

(I) THE PRESERVATION OF THE MARINE ENVIRONMENT,

(II) SCIENTIFIC RESEARCH,

(III) THE ESTABLISHMENT AND USE OF ARTIFICIAL
ISLANDS, INSTALLATIONS AND SIMILAR STRUCTURES.

INCLUDING CUSTOMS, FISCAL, HEALTH AND IMMIGRATION
REGULATIONS PERTAINING THERETO, #

(D) OTHER RIGHTS AND DUTIES PROVIDED FOR IN THIS
CONVENTION.

THE ISSUE OF CONTIGUOUS ZONE FOR THE PURPOSE OF
CUSTOMS, FISCAL, HEALTH AND IMMIGRATION REGULATIONS WOULD
BE DEALT WITH ELSEWHERE.

2. IN EXERCISING ITS RIGHTS AND PERFORMING ITS DUTIES

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UNDER THIS CONVENTION, THE COASTAL STATE SHALL HAVE DUE REGARD TO THE RIGHTS AND DUTIES OF OTHER STATES IN THE ECONOMIC ZONE.

3. THE RIGHTS SET OUT IN THIS ARTICLE SHALL BE WITHOUT PREJUDICE TO THE PROVISIONS OF ARTICLES OF THIS CONVENTION. ##

ARTICLE 2 (PREVIOUS ARTICLE 12)

THE ECONOMIC ZONE SHALL NOT EXTEND BEYOND 200 NAUTICAL MILES FROM THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED.

THE BASIC ARTICLES CONCERNING THE CONTINENTAL SHELF.

ARTICLE 3 (PREVIOUS ARTICLE 13)

1. ALL STATES, WHETHER COASTAL OR LANDLOCKED, SHALL ENJOY IN THE ECONOMIC ZONE THE FREEDOMS OF NAVIGATION AND OVER-FLIGHT AND OF THE LAYING OF CABLES AND PIPELINES, AND OF OTHER USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATION, SUBJECT TO THE PROVISIONS OF THIS CONVENTION.

2. THE PROVISIONS OF ARTICLES SHALL APPLY TO THE CONDUCT OF ACIENTIFIC RESEARCH IN THE ECONOMIC ZONE.

3. IN CASES WHERE THE CONVENTION DOES NOT ATTRIBUTE RIGHTS OR JURISDICTION TO THE COASTAL STATE OR TO OTHER STATES WITHIN THE ECONOMIC ZONE, AND A CONFLICT ARISES BETWEEN THE INTERESTS OF THE COASTAL STATE AND ANY OTHER STATE OR STATES, THE CONFLICT SHOULD BE RESOLVED ON THE BASIS OF EQUITY AND IN THE LIGHT OF ALL THE RELEVANT CIRCUMSTANCES, TAKING INTO ACCOUNT THE RESPECTIVE IMPORTANCE TO THE PARTIES OF THE INTERESTS INVOLVED AS WELL AS TO THE INTERNATIONAL COMMUNITY AS A WHOLE.

4. THE LAYING AND MAINTENANCE OF SUBMARINE CABLES AND PIPELINES ON THE SEABED SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE

5. IN EXERCISING THEIR RIGHTS AND PERFORMING THEIR DUTIES UNDER THIS CONVENTION, STATES SHALL HAVE DUE REGARD TO THE RIGHTS AND DUTIES OF THE COASTAL STATE IN THE ECONOMIC ZONE.

ARTICLE 4 (PREVIOUS ART. 14)

1. THE COASTAL STATE SHALL HAVE THE EXCLUSIVE RIGHT TO CONSTRUCT AND TO AUTHORIZE AND REGULATE IN THE

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ECONOMIC ZONE THE CONSTRUCTION, OPERATION AND USE OF:

- (A) ARTIFICIAL ISLANDS;
- (B) INSTALLATIONS AND STRUCTURES USED FOR PURPOSES
SUBJECT TO ITS JURISDICTION UNDER ART. 1;
- (C) INSTALLATIONS AND STRUCTURES USED FOR ANY
ECONOMIC PURPOSE;
- (D) INSTALLATIONS AND STRUCTURES WHICH MAY INTER-
FERE WITH THE EXERCISE OF THE RIGHTS OF THE COASTAL
STATE IN THE ECONOMIC ZONE.

2. THE COASTAL STATE SHALL HAVE EXCLUSIVE JURISDICTION
OVER SUCH ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUC-
TURES INCLUDING JURISDICTION WITH REGARD TO CUSTOMS,
FISCAL, HEALTH AND IMMIGRATION REGULATIONS.

3. DUE NOTICE MUST BE GIVEN OF THE CONSTRUCTION OF SUCH
ARTIFICIAL ISLANDS, INSTALLATIONS OR STRUCTURES, AND
PERMANENT MEANS FOR GIVING WARNING OF THEIR PRESENCE
MUST BE MAINTAINED. ANY INSTALLATIONS OR STRUCTURES
WHICH ARE ABANDONED OR DISUSED MUST BE ENTIRELY REMOVED.

4. THE COASTAL STATE MAY, WHERE NECESSARY, ESTABLISH
REASONABLE SAFETY ZONES AROUND SUCH ARTIFIVIAL ISLANDS,
INSTALLATIONS/AND STRUCTURES IN WHICH IT MAY TAKE
APPROPRIATE MEASURES TO ENSURE THE SAFETY BOTH OF THE

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DIPLOMATIC POSTS BY CABLE OR POUCH AS APPROPRIATE, EXCEPT GENEVA.
ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES AND
OF NAVIGATION.

THE BREADTH OF THE SAFETY ZONES SHALL BE DETER-
MINED BY THE COASTAL STATE, TAKING INTO ACCOUNT APPLI-
CABLE INTERNATIONAL STANDARDS, SUCH ZONES SHALL BE
DESIGNED TO ENSURE THAT THEY ARE REASONABLY RELATED TO
THE ANTURE AND FUCTION OF THE ARTICIAL ISLANDS,
INSTALLATIONS OR STRUCTURES, AND SHALL NOT EXCEED A
DISTANCE OF METERS AROUND THEM MEASURED FROM
GENERALLY ACCEPTED INTERNATIONAL STANDARDS.

SHIPS OF ALL NATIONALITIES MUST RESPECT THESE SAFETY
ZONES AND SHALL COMPLY WITH GENERALLY ACCEPTED INTER-
NATIONAL STANDARDS REGARDING NAVIGATION IN THE VICINITY
OF ARTIFICIAL ISLANDS, INSTALLATIONS, STRUCTURES, AND
SAFETY ZONES. DUE NOTICE SHALL BE GIVEN OF THE EXTENT
OF SAFETY ZONES.

5. ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES
AND SAFETY ZONES AROUND THEM MAY NOT BE ESTABLISHED
WHERE INTERFERENCE MAY BE CAUSED TO THE USE OF RECOG-
NIZED SEA LANES ESSENTIAL TO INTERNATIONAL NAVIGATION.

6. ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES
SHALL HAVE NO TERRITORIAL SEA OF THEIR OWN AND THEIR OWN
PRESENCE DOES NOT AFFECT THE DELIMITATION OF THE
TERRITORIAL SEA, OR OF OTHER ZONES OF COASTAL STATE
JURISDICTION OR OF THE CONTINENTAL SHELF.

LIVING REWOURCES

ARTICLE 5 (PREVIOUS ART. 15)

2. IN THE EXERCISE OF ITS SOVEREIGN RIGHTS OVER THE
LIVING RESOURCES IN THE ECONOMIC ZONE THE COASTAL
STATE SHALL ENSURE BY PROPER MANAGEMENT AND CONSER-
VATION MEASURES THAT THE MAINTENANCE OF THESE RESOURCES
IS NOT ENDANGERED BY OVEREXPLOITATION. IT SHALL

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COOPERATE S APPROPRIATE WITH REGIONAL AND GLOBAL ORGANIZATIONS TO THIS END, STATES PARTICIPATING IN SUCH ORGANIZATIONS SHALL ENSURE TO THE EXTENT POSSIBLE THAT THE ORGANIZATION CONCERNED EXTENDS ITS COOPERATION TO THE COASTAL STATE IN MANAGEMENT AND CONSERVATION MATTERS.

2. IN THE EXERCISE OF ITS RIGHT TO DETERMINE THE ALLOWABLE CATCH AND ESTABLISH OTHER CONSERVATION MEASURES FOR THE LIVING RESOURCES OF THE ZONE, THE COASTAL STATE SHALL:

A) ADOPT MEASURES WHICH ARE DESIGNED, ON THE BEST EVIDENCE AVAILABLE TO THE COASTAL STATE, TO MAINTAIN OR RESTORE PROPULATIONS OF HARVESTED SPECIS AT LEVELS WHICH CAN PRODUCE THE MAXIMUM SUSTAINABLE YIELD, AS QUALIFIED BY RELEVANT ENVIRONMENTAL AND ECONOMIC FACTORS, INCLUDING THE ECONOMIC NEEDS OF COASTAL FISHING COMMUNITIES AND THE SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES, AND TAKING INTO ACCOUNT FISHING PATTERNS, THE INTERDEPENDENCE OF STOCKS AS WELL AS ANY GENERALLY RECOMMENDED REGIONAL OR GLOBAL MINIMUM STANDARDS.

B) TAKE INTO CONSIDERATION THE EFFECTS ON SPECIES ASSOCIATED WITH OR DEPENDENT UPON HARVESTED SPECIES WITH A VIEW TO MAINTAINING OR RESTORING POPULATIONS OF SUCH ASSOCIATED OR DEPENDENT SPECIES ABOVE LEVELS AT WHICH THEIR REPRODUCTION MAY BECOME SERIOUSLY THREATENED.

3. AVAILABLE SCIENTIFIC INFORMATION, CATCH AND FISHING EFFORTS STATISTICS, AND OTHER DATA RELEVANT TO THE CONSERVATION OF FISH STOCKS SHLL BE CONTRIBUTED AND EXCHANGED ON A REGULAR BASIS THROUGH REGIONAL AND GLOBAL ORGANIZATIONS WHERE APPROPRIATE AND WITH PARTICIPATION BY ALL STATES CONCERNED, INCLUDING STATES WHOSE NATIONALS ARE ALLOWED TO FISH IN THE ECONOMIC ZONE.

ARTICLE 6 (PREVIOUS ART. 16)

1. IN THE EXERCISE OF ITS SOVEREIGN RIGHTS TO EXPLORE AND EXPLOIT, CONSERVE AND MANAGE THE RENEWABLE RESOURCES IN THE ECONOMIC ZONE AS PROVIDED FOR IN ARTICLE 1 THE COASTAL STATE WHALL PROMOTE THE OBJECTIVE OF OPTIMUM UTILIZATION OF THESE RESOURCES WITHOUT PREJUDICE TO THE PRIVISONS OF ARTICLE 5.

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2. THE COASTAL STATE SHALL, THROUGH AGREEMENTS OR OTHER ARRANGEMENTS AND PURSUANT TO THE TERMS, CONDITIONS AND REGULATIONS REFERRED TO IN PARAGRAPH 4, GIVE OTHER STATES ACCESS TO THAT PART OF THE ALLOWABLE CATCH WHICH IT DOES NOT HAVE THE CAPACITY TO HARVEST. THE DETERMINATION OF THE CAPACITY OF THE COASTAL STATE IN THIS RESPECT SHALL REST WITH THE COASTAL STATE.

3. IN GRANTING ACCESS TO OTHER STATES TO ITS ECONOMIC ZONE UNDER THIS ARTICLE, THE COASTAL STATE SHALL TAKE INTO ACCOUNT ALL RELEVANT FACTORS INCLUDING, "INTER ALIA," THE SIGNIFICANCE OF THE RENEWABLE RESOURCES OF THE AREA TO THE ECONOMY OF THE COASTAL STATE CONCERNED AND ITS OTHER NATIONAL INTERESTS, THE PROVISIONS OF ARTICLE 8, THE REQUIREMENTS OF DEVELOPING COUNTRIES IN THE REGION OR SUBREGION IN HARVESTING PART OF THE SURPLUS AND THE NEED TO MINIMIZE ECONOMIC DISLOCATION IN STATES WHICH HAVE HABITUALLY FISHED IN THE ZONE OR HAVE MADE SUBSTANTIAL EFFORTS IN RESEARCH AND IDENTIFICATION OF STOCKS.

4. FISHING BY NATIONALS OF OTHER STATES IN THE ECONOMIC ZONE SHALL COMPLY WITH THE CONSERVATION MEASURES AND WITH THE OTHER TERMS AND CONDITIONS ESTABLISHED IN THE REGULATIONS OF THE COASTAL STATE. THESE REGULATIONS SHALL BE CONSISTENT WITH THE PROVISIONS OF THIS CONVENTION AND MAY RELATE, "INTER ALIA," TO THE FOLLOWING:

(A) LICENSING OF FISHERMEN, FISHING VESSELS AND EQUIPMENT, INCLUDING PAYMENT OF FEES AND OTHER

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C O N F I D E N T I A L

LIMITED OFFICIAL USE SECTION 3 OF 4 GENEVA 2615
DLOS PLEASE PASS MAJOR DIPLOMATIC POSTS BY CABLE, ALL OTHER
DIPLOMATIC POSTS BY CABLE OR POUCH AS APPROPRIATE, EXCEPT GENEVA.
FORMS OF RENUMERATION; DEVELOPING STATES IN
PARTICULAR MAY REQUIRE ADEQUATE COMPENSATION IN
THE FIELD OF FISHING INDUSTRY FINANCING, EQUIP-
MENT AND FISHERIES TECHNOLOGY;

(B) DETERMINING THE SPECIES WHICH MAY BE
CAUGHT, AND FIXING QUOTAS OF CATCH, WHETHER IN
RELATION TO PARTICULAR STOCKS OR
COMPLEXES OF STOCKS OR CATCH PER VESSEL OVER A
PERIOD OF TIME OR TO THE CATCH BY NATIONALS OF
ANY STATE DURING A SPECIFIED PERIOD;

(C) REGULATING TIMES AND AREAS OF FISHING, THE
TYPES, SIZES AND AMOUNT OF GEAR, AND THE NUMBERS,
SIZES AND TYPES OF FISHING VESSELS THAT MAY BE
USED;

(D) FIXING THE AGE AND SIZE OF FISH AND OTHER
SPECIES THAT MAY BE CAUGHT;

(E) SPECIFYING INFORMATION REQUIRED OF FISHING
VESSELS, INCLUDING CATCH AND EFFORT STATISTICS
AND VESSEL POSITION REPORTS;

(F) REQUIRING, UNDER THE AUTHORIZATION AND CON-
TROL OF THE COASTAL STATE, THE CONDUCT OF SPECIFIED
FISHERIES RESEARCH PROGRAMMES AND REGULATING
THE CONDUCT OF SUCH RESEARCH, INCLUDING THE SAMPLING
OF CATCHES, DISPOSITION OF SAMPLES AND REPORTING
OF ASSOCIATED SCIENTIFIC DATA;

(G) THE PLACING OF OBSERVERS, TRAINEES OR CREW
MEMBERS ON BOARD SUCH VESSELS BY THE COASTAL
STATE;

(H) THE LANDING OF ALL OR ANY PART OF THE CATCH
BY SUCH VESSELS IN THE PORTS OF THE COASTAL STATE;

(I) TERMS AND CONDITIONS RELATING TO JOINT
VENTURES OR OTHER COOPERATIVE ARRANGEMENTS.

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(J) REQUIREMENTS FOR TRAINING PERSONNEL AND
TRANSFER OF FISHERIES TECHNOLOGY INCLUDING
ENHANCEMENT OF THE COASTAL STATE'S CAPABILITY FOR
UNDERTAKING FISHERIES RESEARCH;

(K) ENFORCEMENT PROCEDURES.

ARTICLE 7 (PREVIOUS ART. 17)

1. STATES SHALL CO-OPERATE, WITHOUT PREJUDICE TO THE
PROVISIONS OF ARTICLES 5 AND 6, IN SEEKING TO ELABORATE
STANDARDS AND GUIDELINES FOR CONSERVATION AND RATIONAL
UTILIZATION OF THE LIVING RESOURCES IN THE ECONOMIC
ZONE, DIRECTLY OR WITHIN THE FRAMEWORK OF APPROPRIATE
INTERNATIONAL FISHERIES ORGANIZATION, WHETHER UNIVERSAL
OR REGIONAL.

2. WHERE THE SAME STOCK OR STOCKS OF ASSOCIATED SPECIES
OCCUR WITHIN THE ECONOMIC ZONES OF TWO OR MORE COASTAL
STATES, THOSE STATES SHALL SEEK EITHER DIRECTLY OR THROUGH
APPROPRIATE REGIONAL ORGANIZATIONS TO AGREE UPON THE
MEASURES NECESSARY TO COORDINATE AND ENSURE THE CON-
SERVATION AND EQUITABLE ALLOCATION OF SUCH SPECIES,
WITHOUT PREJUDICE TO THE OTHER PROVISIONS OF THIS
CHAPTER.

3. WHERE THE SAME STOCK OR STOCKS OF ASSOCIATED SPECIES
OCCURE BOTH WITHIN THE ECONOMIC ZONE AND IN AN AREA
BEYOND AND ADJACENT TO THE ECONOMIC ZONE, THE COASTAL
STATE AND STATES FISHING FOR SUCH STOCKS IN THE ADJA-
CENT AREA SHALL SEEK TO ENTER INTO REGIONAL, SUB-REGIONAL
OR BILATERAL ARRANGEMENTS REGARDING THE CONSERVATION
OF THESE STOCKS IN THE ADJACENT AREA.

4. COASTAL STATES SHALL GIVE TIMELY NOTICE OF CONSER-
VATION AND MANAGEMENT REGULATIONS.

ARTICLE 8

1. NOTHING IN THIS CONVENTION SHALL PROJUDICE THE RIGHT
OF THE COASTAL STATE TO PERMIT NATIONALS OF OTHER
STATES TO FISH IN ITS ECONOMIC ZONE, WITHOUT PREJUDICE
TO THE PROVISIONS OF ARTICLES 5 AND 6.

2. NEIGHBOURING STATES MAY GHROUGH AGREEMENTS OR
OTHER ARRANGEMENTS, AND PURSUANT TO COASTAL STATE
REGULATIONS, ALLOW EACH OTHER'S NATIONALS TO FISH IN
THEIR RESPECTIVE ECONOMIC ZONES ON THE BASIS OF EQUITY
AND TAKING INTO ACCOUNT ALL RELEVANT ECONOMIC AND

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GEOGRAPHIC CIRCUMSTANCES.

ARTICLE 9

1. DEVELOPING COASTAL STATES SHALL WHERE APPROPRIATE NEGOTIATE WITH NEIGHBOURING DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES ON A REGIONAL, SUB-REGIONAL OR BILATERAL LEVEL, CONCERNING THE QUESTION OF ACCESS TO THE LIVING RESOURCES OF THE ECONOMIC ZONE. SUCH NEGOTIATIONS SHALL BE BASED ON PRINCIPLES OF EQUITY AND SHALL TAKE INTO ACCOUNT ALL RELEVANT ECONOMIC AND GEOGRAPHIC CIRCUMSTANCES, INCLUDING THE NEED TO AVOID EFFECTS WHICH WOULD BE DETRIMENTAL TO THE FISHING COMMUNITIES OF THE COASTAL STATE OR ITS FISHING INDUSTRY.

2. IN CASES WHERE THE GEOGRAPHICAL PECULIARITIES OF A REGION OF A SUB-REGION MAKE A DEVELOPING STATE PARTICULARLY DEPENDENT FOR THE SATISFACTION OF THE NUTRITIONAL NEEDS OF ITS POPULATION UPON PARTICIPATING IN THE EXPLOITATION OF THE LIVING RESOURCES OF THE ECONOMIC ZONE OF OTHER DEVELOPING STATES IN THE REGION, THE COASTAL STATES SHALL NEGOTIATE WITH SUCH STATE WITH A VIEW TO GRANTING PREFERENTIAL RIGHTS AS APPROPRIATE.

ARTICLE 10

NATIONALS OF DEVELOPING LAND-LOCKED STATES SHALL HAVE ACCESS ON AN EQUITABLE BASIS TO PARTICIPATE IN THE EXPLOITATION OF THE LIVING RESOURCES OF THE ECONOMIC ZONES OF ADJOINING COASTAL STATES. BILATERAL, SUB-REGIONAL OR REGIONAL AGREEMENTS CONCERNING THE MODALITIES OF PARTICIPATION SHALL BE NEGOTIATED.

ARTICLE 12 (PREVIOUS ART. 19)

1. IN THE EXERCISE OF ITS SOVEREIGN RIGHTS OVER THE LIVING RESOURCES IN THE ECONOMIC ZONE, THE COASTAL STATE SHALL REGULATE FISHING FOR HIGHLY MIGRATORY SPECIES LISTED IN ANNEX A. IN ESTABLISHING REGULATIONS THE COASTAL STATE SHALL TAKE INTO ACCOUNT THE BEST SCIENTIFIC EVIDENCE AVAILABLE TO IT WITH RESPECT TO CONSERVATION AND RATIONAL UTILIZATION OF SUCH

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SPECIES AND SHALL ALSO HAVE REGARD TO THE EFFECTS OF
THE HARVESTING ON OTHER LIVING RESOURCES.

2. THE COASTAL STATE SHALL CO-OPERATE DIRECTLY AND
THROUGH APPROPRIATE INTERNATIONAL FISHERIES ORGANIZATIONS,
WITH OTHER STATES WHOSE NATIONALS FISH HIGHLY MIGRATORY
SPECIES IN THE REGION, WITH A VIEW TO ENSURING CONSER-
VATION AND OPTIMUM UTILIZATION OF SUCH SPECIES. IN
REGIONS WHERE NO APPROPRIATE INTERNATIONAL ORGANIZATION
EXISTS, THE COASTAL STATES AND OTHER STATES WHOSE
NATIONALS HARVEST THESE SPECIES IN THE REGION, SHALL
ESTABLISH SUCH ORGANIZATION AND SHALL PARTICIPATE IN
ITS WORK.

3. ON THE BASIS OF BEST SCIENTIFIC EVIDENCE AVAILABLE
AND OTHER RELEVANT INFORMATION, THE ORGANIZATION SHALL
FORMULATE STANDARDS WITH RESPECT TO HIGHLY MIGRATORY
SPECIES THAT WILL ENSURE, THROUGHOUT THE REGION,
CONSERVATION AND OPTIMUM UTILIZATION. TO THIS END
THE ORGANIZATIONS CONCERNED SHALL FORMULATE STANDARDS
AND RECOMMENDATIONS WITH REGARD TO, INTER ALIA,
ALLOWABLE CATCH, EQUITABLE ALLOCATION, ISSUANCE OF
PERMITS, A UNIFORM SYSTEM OF FEES AND PENALTIES.

4. IN FORMULATING SUCH STANDARDS AND RECOMMENDATIONS
THE ORGANIZATION SHALL TAKE INTO ACCOUNT ALL RELEVANT
CIRCUMSTANCES INCLUDING, INTER ALIA, THE EFFECTS ON
RELATED OR DEPENDENT SPECIES, THE REQUIREMENTS OF
COASTAL STATES VESSELS WHICH FISH ONLY WITHIN THEIR
RESPECTIVE ZONES, THE HARVESTING CAPACITY OF COASTAL
STATES OF THE REGION AND THE NEED TO MINIMIZE ECONOMIC
DISLOCATION.

5. THE ADOPTION OF STANDARDS AND RECOMMENDATIONS BY
THE ORGANIZATION SHALL REQUIRE, IN THE ABSENCE OF

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AGREEMENT, A TWO-THIRDS MAJORITY, INCLUDING THE VOTES OF ALL COASTAL STATES OF THE REGION PRESENT AND VOTING, 6. TO ACHIEVE UNIFORMITY AND EFFECTIVE CONSERVATION THROUGHOUT THE REGION, THE STATES CONCERNED SHALL ENSURE THAT THEIR LAWS AND REGULATIONS ARE IN CONFORMITY WITH THE STANDARDS FORMULATED BY THE ORGANIZATION, AND TAKE INTO ACCOUNT ITS RECOMMENDATIONS CONCERNING EQUITABLE ALLOCATION.

ARTICLE 13

1. STATES HAVE THE PRIMARY INTEREST IN AND RESPONSIBILITY FOR ANADROMOUS STOCKS ORIGINATING IN THEIR RIVERS.

2. THE STATE OF ORIGIN OF ANADROMOUS STOCKS SHALL ENSURE THEIR CONSERVATION BY THE ESTABLISHMENT OF APPROPRIATE REGULATORY MEASURES FOR FISHING WITHIN THE OUTER LIMITS OF ITS ECONOMIC ZONE AND FOR FISHING PROVIDED FOR IN PARAGRAPH 3 (B). THE STATE OF ORIGIN MAY, AFTER CONSULTATION WITH OTHER STATES FISHING THESE STOCKS, ESTABLISH TOTAL ALLOWABLE CATCHES FOR STOCKS ORIGINATING IN ITS RIVER.

3. (A) FISHERIES FOR ANADROMOUS STOCKS SHALL BE CONDUCTED ONLY IN WATERS WITHIN THE OUTER LIMITS OF ECONOMIC ZONES, EXCEPT IN CASES WHERE THIS PROVISION WOULD RESULT IN ECONOMIC DISLOCATION FOR A STATE OTHER THAN THE STATE OF ORIGIN.

(B) THE STATE OF ORIGIN SHALL CO-OPERATE IN MINIMIZING ECONOMIC DISLOCATION IN SUCH OTHER STATES FISHING THESE RESOURCES, TAKING INTO ACCOUNT, THE NORMAL CATCH, THE MODE OF OPERATIONS OF SUCH STATES, ALL THE AREAS IN WHICH SUCH FISHING HAS OCCURRED.

(C) STATES REFERRED TO IN SUB-PARAGRAPH (B), PARTICIPATING BY AGREEMENT WITH A STATE OF ORIGIN IN MEASURES TO RENEW AN ANADROMOUS STOCK, PARTICULARLY BY EXPENDITURES FOR THAT PURPOSE, SHALL BE GIVEN SPECIAL CONSIDERATION BY THE STATE OF ORIGIN IN THE HARVEST OF STOCKS ORIGINATING IN ITS RIVERS.

(D) ENFORCEMENT OF REGULATIONS REGARDING ANADROMOUS STOCKS BEYOND THE ECONOMIC ZONE SHALL BE BY AGREEMENT BETWEEN THE STATE OF ORIGIN AND THE OTHER

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STATES CONCERNED.

4. IN CASES WHERE ANADROMOUS STOCKS MIGRATE INTO OR THROUGH WATERS WITHIN THE OTHER LIMIT OF THE ECONOMIC ZONE OF A STATE OTHER THAN THE STATE OF ORIGIN, SUCH STATE SHALL CO-OPERATE WITH THE STATE OF ORIGIN WITH REGARD TO THE CONSERVATION AND MANAGEMENT OF SUCH STOCKS.

5. THE STATE OF ORIGIN OF ANADROMOUS STOCKS AND OTHER STATES FISHING THESE STOCKS, SHALL MAKE ARRANGEMENTS FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS ARTICLE, WHERE APPROPRIATE, THROUGH REGIONAL ORGANIZATIONS.

ARTICLE 14

1. A STATE IN WHOSE WATERS CATADROMOUS SPECIES SPEND THE GREATER PART OF THEIR LIFE CYCLE SHALL HAVE RESPONSIBILITY FOR THE MANAGEMENT OF THESE SPECIES AND SHALL ENSURE THE INGRESS AND EGRESS OF MIGRATING FISH.

2. HARVESTING OF CATADROMOUS SPECIES SHALL BE CONDUCTED ONLY IN WATERS IN RESPECT OF WHICH THE STATE MENTIONED IN PARAGRAPH 1, EXERCISES SOVEREIGN RIGHTS OVER THE LIVING RESOURCES AND SHALL BE SUBJECT TO THE PROVISIONS OF THIS CONVENTION CONCERNING FISHING IN SUCH WATERS.

3. WHEN CATADROMOUS FISH MIGRATE THROUGH THE WATERS OF ANOTHER STATE OR STATES, WHETHER AS JUVENILE OR MATURING FISH, THE MANAGEMENT OF SUCH FISH SHALL BE REGULATED BY AGREEMENT BETWEEN THE STATE MENTIONED IN PARAGRAPH 1 AND THE STATE OR STATES CONCERNED. SUCH AGREEMENT SHALL ENSURE THE RATIONAL MANAGEMENT OF THE SPECIES AND TAKE INTO ACCOUNT THE RESPONSIBILITIES OF THE STATE MENTIONED IN PARAGRAPH 1 FOR THE MAINTENANCE OF THESE SPECIES. END TEXT.DALE